

From: GEOFF KEELER (GKEELER)
To: LDAVIES
Date: Tuesday, December 5, 1995 2:40 pm
Subject: update on draft enf. ltr, #4-260115

lauris,

from harold's and todd's recent comments, i've revised the subject draft and it's attached for your review.

although i normally prefer to keep to one deadline for all submittals if at all possible, i still prefer to keep 2 separate dates in this case. basically, i feel that the 2 deadlines are realistic, and that this situation is sufficiently serious that whatever extra mental exertion is required of the owner, is actually beneficial by stressing compliance work be kept on track and not left until too late, which seems to be the owner's m.o. to date.

i'm on an lv weds. but i would like to final the letter thursday am and get it out.

i don't hesitate to seek clearance on anything that is sensitive, precedent making/breaking, controversial, etc. so frankly on this draft i didn't initially seek any more than todd's eloquent enforcement phrasology expertise and harold's oversight and excellent critique work. i think it's fairly routine enforcement stuff, but obviously todd thought that there was some benefit to having you look it over also, and i certainly don't mind. besides any policy angles, it is probably a good example of what i do fairly often, as well as something that gives you a little more insight to the program requirements of direct ust/lust implementation.

CC: hscott,tbender

Files: f:\user\gkeeler\enf\4-260115.#2

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From: LAURIS DAVIES (LDAVIES)
To: R10WD1:GKEELER
Date: Wednesday, December 13, 1995 12:47 pm
Subject: update on draft enf. ltr, #4-260115 -Rep

Hi Geoff -

Thanks for the revised letter. This looks fine to me - I don't have any comments to add. I realize I'm past your target deadline on getting this out and apologize if you've been waiting for me.

Harold and I discussed the question of whether I should see these type of letters or not, since he's been working with you, they are fairly routine (as you noted) and you work with Todd on them as well. From my point of view, I'd like to see the "first" of these type of letters to go out (ie, if they're routine, I don't need to see every one of them) to familiarize myself with our correspondence/work products. From there on in, I'll be relying on you (collectively) to give me a heads up when routine correspondence may be controversial or troubling because of the individual to which it's being sent - or if there's something else unusual about the site which might be setting precedent or may need to at least be discussed before we "do what we always do" Hope this helps.

CC: tbender, hscott

From: TODD BENDER (TBENDER)
To: ldavies,gkeeler,hscott
Date: Tuesday, December 5, 1995 12:02 pm
Subject: draft enforcement ltr, #4-260115 -Forwar

Forwarded mail received from: GKEELER
Lauris et.al.,

I still haven't seen anything in writing to indicate a definitive split in managerial duties between yourself and Harold. In the mean time, I will continue to operate under the traditional hierarchical paradigm. As such, you are my boss, and since the attached compliance letter of Geoff's has statements which discuss EPA's position, I am forwarding it on to you for your information and/or comment as appropriate (per last week's GWPU meeting discussion).

Cudos to Geoff for writing a detailed correspondence dealing with some difficult (potentially threatening to an owner/operator) issues. Hopefully we won't be forced to take up the banner on this one in an enforcement context, but we should be prepared to.

Geoff, some last minute comments:

Suggest adding to page 2, the ¶ that begins "The third set..", last sentence, to something like: **Without definitive clarifying information in the form of a tightness test now required, it is EPA's position that...**

Next ¶, first sentence, suggest delete the words "of the test." from the end, because the day they receive the results begins the time clock for notification purposes.

Lastly, regarding the compliance schedule milestones. I suggest picking one date for all of their submissions in each element (currently there are 3 dates within about a 2 week period). This consistency would ease the burden of reporting to us by a significant amount, and since we will be mostly out of the office at the end of the month anyway, we loose nothing. If you'd prefer to retain the current schedule, please note that the January 3, 1995 dates should be 1996 (it will likely take me until february to remember this one myself...).

Harold,

I hope you don't perceive the presence of my weight on your toes, because this is not intended to be such. I'm trying to watch where my lead feet (200++ £) land more these days. In general, if anyone ever feels squished, come to me first to determine if it was an accident, in which case I'd be happy? to put my feet in your shoes (though some of you may not ☺).

Thats all folks,

Todd ♪

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12/5/95 pm to
revised draft to
LD w upo note